

COMMENTS RECEIVED BY E-MAIL (40)

June 1 to July 10, 2001

For privacy reasons, the names and identifying descriptions of people and third-party organizations (other than the organization writing the e-mail) have been removed from these comments. Otherwise, the comments are listed here exactly as they were received by DNR, and have not been edited by DNR in any way (including for grammar, spelling, and typographical errors). The e-mails are listed in the approximate order received. The first sentence of each commentary is listed.

- #1 Perhaps my e-mail is a left over from my distaste of the Belcher actions and statements but Ifelt compelled to put my two cents worth into the pot. [Click for full comment.](#)
- #2 I read with interest and agreement newspaper reports of the Commissioner's plan to "take second look at how the State Department of Natural Resources manages liveaboards on state-owned aquatic land". [Click for full comment.](#)
- #3 I am not a liveaboard, and do not have any intentions of being one. [Click for full comment.](#)
- #4 I cannot stress enough how strongly I feel about the right to live on one own vessel. [Click for full comment.](#)
- #5 I'd like to make a comment or two n the liveaboard issue. [Click for full comment.](#)
- #6 recent article in the newspaper, The Bremerton Sun, indicated that comments concerning live-aboard boaters could be directed to you. [Click for full comment.](#)
- #7 Many thanks to you, Doug Sutherlin, and the rest of the DNR crew that came to listen to the public on the subject issue. [Click for full comment.](#)
- #8 My husband and I have been liveaboards for over 2 years. [Click for full comment.](#)
- #9 I am unable to attend any of the workshops as there are non n Seattle or Bellevue which I find odd. [Click for full comment.](#)
- #10 I am a liveaboard at [marina]. [Click for full comment.](#)
- #11 We have owned [marina] on Hood Canal for 13 years. [Click for full comment.](#)
- #12 I want to express my concern regarding the public hearings and the upcoming decision regarding live aboard boaters on DRN leased land. [Click for full comment.](#)
- #13 First off thank you for all the effort on behalf of live aboards. [Click for full comment.](#)
- #14 [person] asked me to voice my opinion on liveaboards. [Click for full comment.](#)
- #15 as a person who has lived aboard a boat on Lake Union in Seattle for 11 years, I want to express my strong belief that living aboard a boat is an appropriate use of DNR managed lands. [Click for full comment.](#)
- #16 In my opinion, management controls need to address the following issues; [Click for full comment.](#)

- #17 We have been paying a separate liveaboard fee plus a moorage fee for the last three years.
[Click for full comment.](#)
- #18 re: residential usage of State land. [Click for full comment.](#)
- #19 Here are some thoughts I had on “liveaboards” following the Friday Harbor meeting.
[Click for full comment.](#)
- #20 The following are my “public comments” on uses of State-Owned Aquatic Lands:
[Click for full comment.](#)
- #21 As I listen t some of the comments about DNR and definitions I’m growing more concerned.
[Click for full comment.](#)
- #22 Boats are water dependent, whether we are on them or not. [Click for full comment.](#)
- #23 Living aboard a vessel (“liveaboard”) over state-owned aquatic lands should be defined as a “water-dependant” for the following reasons: [Click for full comment.](#)
- #24 I attended the workshop with Commissioner Sutherland in Friday Harbor on June 26, but did not get registered. [Click for full comment.](#)
- #25 And, if these rules only aply to people on licensed or leased moorages, what rules, monitoring and enforcement aply to the majority of live aboard residents of DNR waters that have no DNR license, permit, lease, or whatever? [Click for full comment.](#)
- #26 I have been unable to attend any of the public hearing DNR has held with regards to uses of State-Owned aquatic lands. [Click for full comment.](#)
- #27 I would like to state that I believe: [Click for full comment.](#)
- #28 My wife and I jut received a copy f a form circulating for comments regarding our opinion on residential use of State-owned aquatic lands. [Click for full comment.](#)
- #29 I have been a “Liveaboard Boater” since 1980, in the same boat, in the same marina, (except for a brief time when the marina was partially destroyed by a storm which removed my finger pier and me from the premises). [Click for full comment.](#)
- #30 After several years of extensive use of my vessel and spending little time at my home, I decided to have only one home which would be my vessel. [Click for full comment.](#)
- #31 Please accept this comment in favor of continued “liveaboard” use of DNR aquatic lands.
[Click for full comment.](#)
- #32 We support the right for a citizen to make his home on his boat, in a marina that is on public land, but for which the public benefits from the income generated from the lease of that land. [Click for full comment.](#)
- #33 The following are my comments about the liveaboard controversy: [Click for full comment.](#)

- #34 The purpose of this letter is to offer the organizational perspective of Citizens for a Healthy Bay regarding live aboards over state owned aquatic lands. [Click for full comment.](#)
- #35 Regarding the residential uses of state owned aquatic lands, I believe that it should be allowed if there is a means for waste disposal and the boat is moored in a marina.
[Click for full comment.](#)
- #36 I would like to see the DNR recognize the futility of trying to regulate what people do on their boats.
[Click for full comment.](#)
- #37 As a live aboard citizen for two years and a boat owner for thirty years, I find that the majority of people who live aboard their boats at marinas are employed, middle class citizens (moorage is somewhat pricey) who are active in their communities and who take pride in caring for the environment.
[Click for full comment.](#)
- #38 I have been involved as a citizen in many shoreline issues, including being a member of a Citizens Advisory Committee given the responsibility to write the City of Bainbridge island's fir Shorelines Master Plan, which created the aquatic conservancy designation; [Click for full comment.](#)
- #39 Thank you for sending me a copy of the information handed out at the public workshop.
[Click for full comment.](#)
- #40 Our Grays Harbor Audubon Chapter doesn't have a problem with the concept of the state renting or leasing state lands including aquatic lands, but the value citizens gets in return must be full and fair, and the state must ensure that the water quality and wildlife habitat is not degraded by this usage.
[Click for full comment.](#)

FULL TEXT OF COMMENTS RECEIVED BY E-MAIL (40)

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E-mail #1

Perhaps my e-mail is a left over from my distaste of the Belcher actions and statements but I felt compelled to put my two cents worth into the pot.

As a matter of law, international law generally overrides national law and national law generally overrides state law. The laws and interpretations JB was basing her stance on are mere State laws.

Several court cases (particularly in Florida where live aboards have long been under attack) have reaffirmed the right of live aboards to be on and use the water. Wherever live aboards have been legislated to move, the court cases have eventually (after severe wrangling between dueling lawyers) reaffirmed their right to be there. The reasoning is as follows.:

International laws prohibit nations from promulgating laws restricting the rights of navigation.

International law (and US law) also has defined anchoring or mooring as an act of navigation.

Thus, the live aboards have a right to anchor and moor their vessels.

They do not have a right to do environmental pollution while they are there.

That should be the thrust of the DNR Policy. How to prevent environmental damage

E-mail #2

I read with interest and agreement newspaper reports of the Commissioner's plan to "take second look at how the State Department of Natural Resources manages liveaboards on state-owned aquatic land". Liveaboards today enjoy a full range of local governmental services (schools, police, roads, courts, parks, public marinas!, etc.) without paying the necessary taxes.

It is my opinion that a liveaboard enjoys a defacto leasehold interest from the state and as such DNR should be collecting a leasehold excise tax from the liveaboard leasees and forwarding same to City and County governments. Please see RCW 82.29A. Whether or not DNR wants to formalize a contract rent agreement with all liveaboards, it is my belief that RCW 82.29A.020 (2) (b) requires the Department of Revenue to establish a market rent for purposes of computing and collecting a leasehold excise tax. This would seem a good time to correct a hole in the system.

E-mail #3

I am not a liveaboard, and do not have any intentions of being one. I have a nice home in Manchester, and own a sailboat. The boats in marinas are given extra security by the few liveaboards that reside on their boats in the marinas. Most important of all is the ability of citizens to enjoy our land, and water areas. Beaches that are not public property are off limits to

everyone except the owner of the property with exception of the Indian fishing rights. We can't walk on beaches, and if we can't live on our boats if we want, we will be losing more freedoms of enjoying our resources. Strict regulation of liveaboards should be the norm, but do not take away another freedom from us.

E-mail #4

I cannot stress enough how strongly I feel about the right to live on one own vessel. This has been a practice all over the world since recorded history began! The idea that living on a boat or that a boat could not be a home and classing a boat home as "Not water dependent" is ludicrous. Please allow future use of living aboard a boat as well as encourage liveaboards. Liveaboards promote safety from vandalism, theft and malicious mischief as well as a great fire prevention measure for our marinas.

E-mail #5

I'd like to make a comment or two on the liveaboard issue. My only personal experience regarding liveaboards is as follows: I have spent some time volunteering at the Port Orchard library, which is on our waterfront. On one nice day, I decided to spend my lunch break outside, in a grassy area with picnic tables. What I witnessed there made me lose my appetite! First, I could hardly GET to the picnic tables without walking in dog feces. Then, as I took my break, one liveaboard after another walked their dogs in that grassy area--more and more and more and more poop . . . and NOT ONE dog owner cleaned up after their dog! I cannot comment on what these people do with their own poop--but their disregard for their environmental and esthetic damage was shocking to me.

Ethically, I am torn over the liveaboard issue. I know a few of the liveaboards here in Port Orchard, and they are some of the finest humans in our town. They live a simpler, less consumptive lifestyle, which is a lifestyle we should all be striving towards. Yet, there has to be a limit--a limit I feel we have already surpassed--on the human population living off our public waters.

Good luck with your work. I am glad this issue is being seriously addressed.

E-mail #6

recent article in the newspaper, The Bremerton Sun, indicated that comments concerning live-aboard boaters could be directed to you. I have some experience at this as I did live aboard a sailboat for about a year about five years ago at the Brownsville marina in Kitsap County. It was in general a positive experience, simple and close to nature. The other live-aboards were a varied group, their only common trait their love of life on the water. They were protective of the marine environment and their minimalist lifestyle could be an example to some of their detractors. It is true that there are examples to be found in that community that are undesirable, just as there are in land based dwelling areas. Public pressure should be directed at them, whether ashore or afloat. I am now a marine waterfront home owner and now consume vastly more resources than when I lived on the water; I suspect that my lawnmower has used more energy this year than my boat typically used. The water that I just used on my large lawn would have served my needs for perhaps a year on my boat. I would like to remind you that America was created by people who risked life and fortune to be able to live without excessive government control.

E-mail #7

Many thanks to you, Doug Sutherlin, and the rest of the DNR crew that came to listen to the public on the subject issue.

My wife and I have been liveaboards for eleven years now. We circumnavigated the Pacific 1990-1993 (24,000 miles) and have cruised most of the waters of Puget Sound and British Columbia. Living aboard a boat is not simply an alternate mode of abode for us--it is our lifestyle, it is who we are, as much as living in a downtown condo or an Eastern Washington ranch is for someone else. We are both professionals having worked for [company].

I would like to reiterate one comment I made at the meeting, and add one related to the discussion that night.

First, I would like to say again that I feel that the DNR should be setting policy and framework within which marina owners and operators work. Specifically, I do not think the DNR should establish quotas in fixed numbers or per cent for the number of liveaboards in a given marina. This should be left to the marina owner or operator to decide, GIVEN the policies and constraints established by the DNR and other regulatory agencies. As I said at the meeting, just to take the extreme example, if someone wanted to build a marina with 100% liveaboards, they should be able to do that IF they can demonstrate that they meet all of the requirements; e.g. for parking, waste disposal, shore-side facilities etc.

As a practical matter, virtually all marinas already have self-imposed limits on liveaboard slips. Virtually all are less than 20%, and probably over half do not allow any liveaboards. Just ask anyone currently looking for liveaboard moorage, how easy it is to find a slip. Given that the industry has already established limits, it seems unnecessary and inappropriate for government to do so.

Finally, there was concern expressed at the meeting about liveaboards in Eagle Harbor who are anchored out, not in marinas. There was one person who countered this concern saying that not only should Eagle Harbor be filled with mooring buoys, but so should Olympia--for purposes of affordable housing!!

Speaking as a responsible liveaboard, this is nonsense. The vast majority of marina-based liveaboards are against what we call "anchor-outs"; i.e. boats/derelicts/barges, etc. anchored out with the sole objective of living on the cheap. These....craft (I hesitate to call them boats) have no intent of leaving the harbor to go cruising. This is one case where I feel that residential use of aquatic land is wrong. In these cases they do create a hazard to navigation and free use of aquatic lands by the public. It is impossible for transient cruisers to visit Eagle Harbor and find a place to anchor for the night.

At some point, I think the DNR should establish limits on the length of time that a vessel can anchor in one spot without moving, regardless if there are persons living aboard or not. Even a liberal rule would work, e.g. if it were required that anchored vessel leave the harbor that is in at

least once every month or even three months, that would almost wipe out most of the anchor-outs who are simply living on the cheap at the expense of everyone else.

In Gig Harbor, we have boats anchored/moored out in the harbor that are unoccupied and have been here for years. The owner of at least one of these boats is from Seattle and does not even have a residence here, and never uses the boat. It has sunk two or three times, and what fuel was in it has already leaked away. It is unfair to the landowners around the harbor as well as the legally moored boats, marina-based boats, and transient boats, that this harbor or any other harbor in the state, be clogged up with derelicts like this just because someone is too cheap to properly store and care for their vessel. I realize this is not a residential use issue, however, it is somewhat related and I hope the DNR will address it as well.

The DNR is thus far doing a good job of reestablishing trust with the public. Keep up the good work, and thanks for listening.

E-mail #8

My husband and I have been liveaboards for over 2 years. We have thoroughly enjoyed our change in lifestyle from the stress of suburban life and dealing with huge house expenses. We see this life as an option for people who choose to live adventurously, simply and affordably. There are some who live this way as affordable housing is simply out of reach. We do, however, want to impress upon our lawmakers that we do not support squatting either on land or water. Those who live in either situation must abide by laws which protect everyone from squallor and filth. We use a pump-out service to properly dispose of our dunnage. What we find grossly unfair though is the amount of sewage that is dumped "legally" from our City and County governments. There must be equitable enforcement for both sides. If the lawmakers make it mandatory for liveaboards to pump out, then there must be an equal demand for cities and counties to do the same. It amazes me that the amount of dunnage disposed of by liveaboards can never reach the proportions that our governments routinely dump. Likewise, suburban sprawl, deforestation and land erosion has superseded anything that liveaboards could ever come close to. Those liveaboards, however, who live in squallor, who dump their refuse and use the waterways to live are no different than land-based squatters. The problem is that boats in the middle of a waterway are much more visible at times. We cannot nor should we continually homogenize our communities. We left that type of neighborhood because it lacked soul. We like the quirkiness of liveaboard life as long as those who live amongst us do not live in a manner that endangers others, either by chronic hoarding and squallor or by criminal acts. When that happens the laws and enforcement of those laws must occur. I also believe that just because someone is poor, does not mean they have to collect and hoard every conceivable thing, whether worthwhile or not and allow their "lifestyle" to infringe on others. The laws are there to protect everyone. I would like to see landlord tenant laws reach to marina owners and landlords. Our marine is fraught with obstructions, ill-maintenance on dock repair and lack of proper upkeep on showers and restrooms. However, due to the laws not including marinas, there is no recourse (except to move). I have tried to give you some idea of where we are coming from and those issues which matter most to us. We also wish there were public forums closer to Seattle (Renton is not Seattle). After all, many liveaboards are in Seattle, as in the City of..

Thank you and good luck (also God's wisdom) in deciphering what is right. It isn't easy and we wish you luck!

E-mail #9

I am unable to attend any of the workshops as there are none in Seattle or Bellevue which I find odd. However, let me make a few points.

I definitely believe that any marina whether over "aquatic lands" or not, should allow liveaboards on boats. There are many reasons which I have outlined in previous letters to Gary Locke, Doug Sutherland and his predecessor.

There are no environmental concerns with this type of use as there are portable pump outs, pump outs at the marina's gas docks or other areas, and shoreside facilities.

Also, I want to make sure that the government (in this case- DNR) does not raise lease rates so high it puts moorage rates out of the price range for the average person. With many people, they choose a liveaboard lifestyle and have their investments wrapped up in the boat. For those of us who don't liveaboard I want to be able to afford moorage into my retirement years which will be on fixed income.

I can appreciate that the DNR wants to clarify the law in question and update the "rules". I am hopeful that these new updates will not take away more of our freedoms or make more rules that we don't need. Don't forget the state does not own the aquatic lands, the tax paying public does. That may be a fine line but it is usually forgotten. We need to make it easier for all of us to access the public lands, with no fees or impediments.

I am an outdoor woman and have lived aboard, still have a boat and use the waterways with great concern for the environment. What are the chances of having a forum in the Seattle or Bellevue area? My email address at work is at the top. Thank you.

E-mail #10

I am a liveaboard at [marina]. I have lived there for over 10 years. It is the most social place I have ever lived with a deep sense of community. As far as why we should be able to live on boats...

1. We use less water than land dwellers. The average boater uses between 60 to 80 gallons of water a week. Land dwellers use approximately 5,000-10,000 gallons. This was in the Seattle PI paper recently.
2. We use less electricity. The average marina has 20-30 amp service for 90 percent of the boats. A few larger boats have 50-60 amp service. The average land dweller is wired for 100-200 amp service (it may be more since computer/technology usage has increased in the recent decade).
3. We have less garbage production. We do not have lawn clippings, tree cuttings, garbage bags (most use reusable carry sacks at the grocery stores due to lack of storage space on boats for used bags).
4. Sewage disposal is accomplished by use of "honey carts" or sewage hook-up depending upon the marina. Many land dwellers have inadequate septic systems that have been overloaded by short-platting and are leaching into the water table. Rapid growth of all counties has made this a real problem in the Seattle area and the sewage treatment plants admit to dumping of sewage into the Sound during heavy rains or when maximum capacity has been reached for a particular treatment plant.

5. We take up less space. Homes frequently sit on 1-2 acre lots. This is several thousand square feet. Their homes are getting larger. Most exceed 2,000 square feet, and many are over 3,000. Most boats are less than 500 square feet.

Also, some cities list boats as "affordable housing" under the Growth Management Act. I believe they are Seattle, Bainbridge Island, and (I think) Everett.

Now I don't know about affordable, but I pay 700 a month in moorage and 850 a month for my boat mortgage. I live in 750 square feet of space, a 47 ft Chris-Craft. Prorate that by the foot, and I pay double the rate of an apartment dweller for half the space. Or if you want to look at it in terms of waterfront....

According to a listing in the Windemere website for Bainbridge Island, my mortgage payment for 712 square feet of waterfront with a house on it would be 1,191 at 7% interest for a 30yr mortgage with no money down.

Compare that to my 1,550 for 750 square feet along with my excise tax of 650 per year, my liveaboard fee, maintenance of 6,000 per year, etc. ad nauseum...

Now, as far as this issue of "public access". If you had wanted the public to have access to a piece of property, you should not have rented it out FOR ANY PURPOSE. Whether people are living on their boats or not, boat owners do NOT like people invading their property. I don't know of any statute that says renters must give the public access to their property, but gee what do I know? I just work in the legal field... There is the sticky issue of liability for trespassers entering property and being injured (see torts). Therefore, we have renters liability insurance for these things. And locked gates to protect our property just like land renters. Unless of course you would like to take over the payments on my renters insurance?

Need I go on?

We have been here for over one hundred years and no one has complained until now...

E-mail #11

We have owned [marina] on Hood Canal for 13 years. In that time we totally rebuilt it and have set our goal to provide moorage at a reasonable rate for mostly retired local residence. We have found it beneficial to have 2 or 3 liveaboards out of 100 slips. They assist in marina security and are available for storms or to help out in emergency situations. They live by marina rules which are pretty strict, they use the bathroom facilities on shore and their garbage is properly disposed of. On the other hand we have been disturbed by the anchored out liveaboards in the harbor and also at the state dock in the winter. We have observed them dumping their (poop) buckets into the water. We have had them threaten us with guns. We have recorded drug dealings going on at the state dock that they use as their dingy area. We have called the sheriff many times, we have complained to the State Park Dept. only to be told They have their rights also.

I guess what I'm trying to say is please don't place liveaboards all in one lump. Before DNR proposes eliminating liveaboards on leased marina aqua lands who are under the authority of the lessor the state should take a look at anchored out law breaking liveaboards who are answering to no authority and pay no lease.

E-mail #12

I want to express my concern regarding the public hearings and the upcoming decision regarding live aboard boaters on DRN leased land. It appears the entire issue began placing pressure on DRN authorities because Bainbridge was unable to control the "at anchor" squatters in Eagle Harbor. They tried many tactics over the years with little or no result. The pressure was on DNR to DO SOMETHING. There is a large difference between the at anchor boats in eagle harbor and legitimate homeowners living aboard their boats in regulated leased property by marina operators. Live aboard boaters are extremely concious of the environment and their responsibilities towards their landlords. They pay taxes through their licenses, the sales tax when purchasing the boat, the taxes when purchasing fuel and the landlords pay DNR leases along with property taxes, so this does not become a fair share monetary issue. I urge you to accept the status quo regarding people who live aboard their boats throughout the puget sound area. Leave them alone. They are exemplary citizens and deserve the same benefits others receive through state controlled programs.
Respectfully submitted,

E-mail #13

First off thank you for all the effort on behalf of live aboards. I appreciate that fact that you've had meetings to allow us to discuss our issues. I am concerned though that there was not a meeting centrally located in Seattle. It was very difficult to find the location in Renton. Anyway..aside from that these are my concerns.

1. Re: Holding tanks and black water waste... By federal and state law we must have holding tanks. My marina asks for written proof that we use a pump out service or pump it out ourselves at approved sites. there are very stiff fines involved with not following the rules.
2. Re: Taxes. I have always paid my fair share. By comparison I'm paying more in taxes than those who own a house.
3. Because I'm here I've helped with multiple problems on the dock. We've kept crime down, prevented robberies and sinkings, aided with medical concerns and in general have kept a very close eye on what goes on here. It's a wonderful lifestyle and community.
Our stewardship of the waters is something we take very seriously.

I would challenge the DNR to leave us alone and concentrate on the following

1. Dispose of all derelict boats. i.e. the [boat] has sat near the locks listing to starboard, there's also a abandoned tug tied to the locks and there are many others. We need to reclaim these shore lines.
2. Take a serious look at the fuel docks in and around Lk. Union and enforce tighter controls. The fuel dock next to me is constantly spilling fuel yet I don't see them shut down for multiple violations.
3. look into all the sewage treatment plants and their "spills". It would take a 100,000 liveaboards working full time to do the damage some of these plants are doing. now I know this is a bit overstated but I feel we need to look at these concerns before we decide those live aboards need to go.

My other comment is that Seattle is a maritime city should we not see the full flavor of that in the make up of present day Seattle?

Because I live in Seattle these comments revolve around here but would also do well for the whole state.

Again thank you for your time and all your efforts

E-mail #14

[Person] asked me to voice my opinion on liveaboards. My wife and I both liveaboard our sailboat. We enjoy it a great deal and were upset by the move last year by the former head of the DNR to abolish liveaboards over state aquatic lands. Please do not let a movement like this get started again. Liveaboards offer much to the state. We protect vessels from theft and damage where otherwise no one might notice a problem. We are the first to notice an oil spill near by or other forms of pollution. We live on the water and have a sincere interest in keeping it clean. Additionally, we offer a certain sense of charm and attraction to tourists. Everybody feel in love with that "Sleepless in Seattle" movie partly cause the fellow lived aboard a floating home. Please help to keep the charm alive for this state.

As far as specific uses over state aquatic lands, I think liveaboards should definitely be allowed. I'm not too familiar with other activities that are currently permitted but I think if it really came down to it, that people wanting to live in their homes should have precedence over someone wanting to open a waterfront hotel. I think waterfront hotels are a great idea, but you can build a hotel anywhere, whereas a boat has to be either anchored or in a marina.

One of the issues with the former movement at DNR that I had was that liveaboards were being prohibited in an effort to free up space in marinas for other vessels. Prohibiting someone from being on their boat doesn't free up a slip for another boat. The boat still has to be in the marina. Please work to make sure that any ideas come out of this really make sense.

E-mail #15

as a person who has lived aboard a boat on Lake Union in Seattle for 11 years, I want to express my strong belief that living aboard a boat is an appropriate use of DNR managed lands.

Here are my reasons:

Stewardship: live aboard boaters become active stewards of their water home and are watchful for issues such as oil spills, boats in peril, municipal sewage dumping, or dangerous debris.

Good Citizens: the liveaboard boaters I know minimize their impact by means of appropriate sanitation practices and by keeping their boats in good repair.

Boat Users: most liveaboards are active boat users not just dock squatters. Living aboard is simply a way of more fully enjoying the maritime lifestyle.

Fair Share: live aboard boaters pay their fair share of taxes and fees my means of annual licensing and by means of the state and local fee's that are included in monthly moorage payments. By my experience, this is not a free-load lifestyle.

Additionally, live aboards do not block other citizens from using DNR lands since they moor in marinas operating with state leases. The leasing arrangement itself precludes others from using the DNR lands where marinas operate.

I am very hopeful that the outcome of the current hearing process will be an affirmation and codification of the right to live aboard.

E-mail #16

I my opinion, management controls need to address the following issues;

Point #1 - I believe that marinas need to be more accommodating to those that we a wheelchair to get around. Marinas need to be able to have; access to office, public restrooms / showers, parking, fishing dock and slope of the gangway that allows access to all.

Point #2 - Marinas should not be allowed to burn trash put into dumpers by tenants. Burning should only be allowed for cleaning up the property of weeds, wood, etc.

Point #3 - New additions to existing floating homes should comply with building codes. This protects; new owners, the marinas from fire damage, banks through lending.

Point #4 - Marina owners and tenants need to know what EPA guidelines apply to them so they can do a good job with voluntary compliance. Annual mailing directly to the tenants should be done by state EPA.

Point #5 - The State of Washington should do audits of each marina every 1-2 years. This can assist marina owners manage better and the state to protect their asset and limit liability.

Currently I live in a marina that has a 1:26 degree of slope. The ADA guidelines suggest 1:8 but there must be some compromise. Marinas have tide and seasonal water levels to contend with. The marina I live has welded their connection in the middle of the gangway. This has caused the ramp to be steeper then necessary while maximizing their investment in the new ramp that they purchased. Several people in the marina have broken there legs on slippery docks or because of the incline of the ramp. The docks are not treated with any materials to lessen their likely hood of being slippery in rainy, snow, ice, etc. Right now we are having a fine line installed which in my opinion should have been done when the marina was first constructed. What other issues need to be addressed? I live here since April and don't have a lease agreement. I have been told through others that the owners are worry about liability by having me live here. I have also been told that if increased insurance is required, they will be passing those increases on to me. The primary person direct these comments is (name withheld by request) to my brother that also lives at the marina. There is one wheelchair accessible parking space held my an older couple now. One wheelchair parking that is marked "loading and unloading" but there are at least 3 homes with persons with disabilities here at the marina.

Feel free to contact me if you wish. I look forward to following this process and will check your website for updates as they become available.

E-mail #17

We have been paying a seperate liveaboard fee plus a moorage fee for the last three years. We travel and are not full time residents.

To levy another fee would be like paying twice for the same service - therefore I would strongly be opposed to any other charges.

The mountain cabin leases on state/government lands which have entered into 99 year leases are free of additional fees being levied on those leases. Certainly to try and determine what constitutes a liveaboard use or recreational mountain cabin use seems to begin violating our freedoms, which this great country of ours was founded upon.

Further, we already pay the hidden taxes and charges contained within our mortgage fees.

E-mail #18

re: residential usage of State land.

I attended the meeting last night in Friday Harbor on the above issue. Having owned boats on San Juan Island for the past 30 years, and having lived aboard for the last 9 years, I was somewhat perplexed by Jennifer Belchers stand taken last year regarding liveaboards and State owned bottom land. I have also witnessed several unfortunate events in our waters, not having guidelines regulating anchored vessels / floating homes. One intailed a 100 + foot barge sinking West of Shipyard Cove in Friday Harbor, in which I have seen numerous visiting boats snag their anchor. I have witnessed a large barge house break loose from it's mooring, due North of Shipyard, and wash up on Brown Island. And at Roche Harbor, several years ago, a 100 foot vessel that was towed in and anchored in the bay, and then later was in danger of sinking and spilling fuel in the bay. In each instance, there was no governing body to step in and take charge of the situation, cleanup - mitigation, etc.

My feeling is that marinas are already in compliance with DNR. They are already paying a lease to DNR. More regulations are not needed there.

The question is people anchored out. Possibly a annual fee could be assessed for people who anchor out. It could be enforced at a local level, but the fee should be the same State wide. I think the fee should be assessed after a certain length of time at a same location, possibly after 90 days. We, in the San Juan's get a large number of people coming to the islands in the summer. A 90 + day anchor limit would not affect recreational boating. It would, however give a set of standards, which are already in place for boats in a marina. It would make the rules the same for all. I do not feel there should be a fee for recreational anchoring. I do feel there should be for boats, whether live aboard or not, who anchor for extended periods of time in a bay, or harbor.

E-mail #19

Here are some thoughts I had on "liveaboards" following the Friday Harbor meeting.

Local governments have a say as to uses of marinas at the time they are permitted. Recent shoreline permits we've received for changes in our marina are very explicit as to what we can and can not do. DNR does not have to be involved in this permitting because DNR simply leases land for others to build upon or use in some way. If DNR allows individuals to use DNR managed property for residential purposes on moorings or at anchor, it seems to me the ability to use state property for this purpose should first have the approval through the permit process for that use. Allowing (or forcing) local entities to include "liveaboards" in their planning process takes care of the density and carrying capacity issues which DNR would probably prefer to avoid.

If at-anchor/mooring liveaboards are not subject to permitting requirements, a community could find itself obligated to provide services (or clean-up) for a residential community that it has no ability to manage.

The "liveaboard" at anchor problem is one that has its roots in irresponsible individuals who cause a lot of attention to be focused on the situation. But problems also come from issues of scale. Most communities can handle a few people who live at anchor on the fringes of a community. But once the number becomes so great as their impacts become noticable and they displace other uses of the common land then it becomes part of the community's business. It seems to me that the permitting processes cities, towns and counties have established are set up to handle these situations.

[Additional comments from the same person:]

I'm sure you've found the community does not speak with one mind on these matters. My thoughts on using local government planning authority is simply to use an existing scheme. Our local governments have been reluctant to extend their responsibilities to include permitting for uses over the water because their authority to do so is not clear. There is no clear definition of what a "liveaboard" at a mooring or anchor is let alone who could approve the use. Perhaps DNR could help by defining when someone moves from a anchored vessel in transit status to permanently anchored (residential) vessel. There are at lease six different agencies that have partial jurisdiction over our waters. Local folks are worried about being trumped by another authority. [Person] (who was referred to often last night) was a master about playing one agency against another. DNR seems to be the one in the best definition to come to grips with use issues even if you simply say that use of vessels at anchor or mooring are the responsibility of the local jurisdiction's permitting authority. Our Town and County are not looking for new responsibilities and will not volunteer to take on this work without prodding. I simply do not know where else these issues can be sorted out. DNR will be run ragged trying to deal with the great many situations in different part of the state.

As for [person]'s comments. I may not be as enthusiastic about that solution as he is. It may be practical in areas near a marina where it is easy to monitor what is going on. I think [other person] was thinking specifically about an area behind the Port's marina protected by the Port's floating breakwater which is for all practical purposes an extension of the marina. We could work with an area like this at little cost to the Port. But I don't know how we could manage boats more than a couple of hundred yards away from our marina.

I started a conversation with [person] (DNR Aquatic Lands manager) a number of years ago about establishing a mooring buoy area in Beaverton Cove (between the Port of Friday Harbor and UW Marine Labs) as a way to displace the existing uses (home for derelict boats) and to reduce environmental impacts of the large number of anchor occasions and dragging anchor chain across the sea floor. We agreed it was a good idea but that was as far as it got. It always came around to a lot of liability and very little revenue -- even if we didn't pay a lease fee. Perhaps we could take another look at that.

It seems to me DNR's choices are to get into the business as a quasis regulator like Ports do with our marinas where we manage by contract, BMPs and regular inspections or get local agencies to participate. Maybe there would be a way to come up with a residential use fee for vessels at anchor or mooring and split it with the locals??

Our Town is not reluctant to manage our marina even to the point of telling us the time and place we can dock vessels in certain parts of the marina and requiring we comply with a seemingly infinite number of regulations. They have the mechanism in place to handle this stuff, they just need to be encouraged to use them.

Not sure if this answers your question. Please reply if I didn't answer the question.

Thanks for taking my comments seriously.

E-mail #20

The following are my "public comments" on uses of State-Owned Aquatic Lands: Living aboard a vessel ("liveaboard") over state-owned aquatic lands should be defined as a "water-dependant" use and not as a residential use. Liveaboards should be allowed over state-owned aquatic lands that are leased to moorage facility owners. Liveaboards should be allowed to directly lease state-owned aquatic lands with the DNR. DNR should encourage "Best Management Practices" and leases with moorage facility owners should require "Best Management Practices" booklets be distributed to all those who lease moorage, regardless of whether the vessel owner is a liveaboard or not. The DNR should not restrict the number of liveaboards over state-owned aquatic lands but should leave this determination to the local ruling body and/or moorage facility owner who leases the state-owned aquatic lands. The DNR should not define "vessel", but should encourage vessels to obtain current Washington registration! or federal documentation and follow Coast Guard safety standards for vessels. Thank you

E-mail #21

As I listen to some of the comments about DNR and definitions I'm growing more concerned. Living aboard is a water dependent use. If you untie a vessel from a dock it floats; untie an apartment over the water it sinks. Conversely if you put a vessel on land and yank out the blocks it will fall over. If I leave my vessel on land for any length of time it'll dry out and the seams will open and once back in the water would sink. Point being, it needs to stay in the water. Mr. Sutherland spoke of supporting live aboards in his campaign and I voted for him for that reason. I also voted for him because I felt he would take a fair look at the issues. I still hold this to be true.

Thank you for your time on this issue. Look forward to hearing from you.

E-mail #22

Boats are water dependent, whether we are on them or not. Boats will be in marinas or at anchor whether we are on them or not. Boat sewage is covered by city ordinance and/or Coast Guard regulations. Please don't turn this into a vendetta or a fund raiser. Thanks.

E-mail #23

Living aboard a vessel ("liveaboard") over state-owned aquatic lands should be defined as a "water-dependant" for the following reasons:

a.. There is ample precedent for activities that may be done on land classified as water dependent when done on water such as working in a boatyard (there are plenty of land-based jobs); exercise on the water (swimming and rowing may be done on land as well as on water); recreation (bicycling may be substituted for boating, for example) or having a picnic or BBQ aboard one's boat (most BBQ's take place on land) If we are to enforce the "water dependent" rule being proposed then all of these activities would surely have to be eliminated also. Surely this is not the spirit within which our waters are intended to be used.

a.. The vessel is located in the water and will occupy the same space regardless of the definition DNR should require "Best Management Practices" and leases with moorage facility owners should require "Best Management Practices" booklets be distributed to all those who lease moorage, regardless of whether the vessel owner is a liveaboard or not.

The DNR should not restrict the number of liveaboards over state-owned aquatic lands but should leave this determination to the local ruling body and/or moorage facility owner who leases the state-owned aquatic lands.

The DNR should consider a "vessel" any vessel with current Washington registration or federal documentation and which meets U. S. Coast Guard safety standards for vessels.

E-mail #24

I attended the workshop with Commissioner Sutherland in Friday Harbor on June 26, but did not get registered.

I am very concerned, and this meeting just added to my concerns.

The problem we have is not one of rules, it is one of ENFORCEMENT.

For example, "WAC 332-30-139: Marinas and moorages" says that sewage disposal equipment is required. Our bay has craft that are unpowered, lived in permanently and have no sewage disposal equipment. The local sheriff knows who these people are - he just can not do anything, because it is DNR land.

So, who do I call? Please respond to this question. I need to know, today.

As [Person] pointed out:

- over 2 million people visit San Juan county each year. The largest attraction here is our waters. I am one of those visitors, as you will notice above.
- San Juan county has more coast line than any other county by far and away.

So far, Doug Sutherland has:

- neglected even having a meeting concerning aquatic lands in this county until adding one at the last minute.
- precipitously dropped support for local state parks at the onset of summer, incredibly enough.

- precipitously dropped support for burning permit management, when this county has only volunteer fire fighting support, and therefore no staff to take up the slack.

I am concerned that Doug Sutherland does not understand our issues, does not understand that the solution has to do with enforcement (and not more rules) and finally, doesn't see this county as politically important, even though it affects far more people than the local population, and is making decisions on that basis.

Like I say, I'm concerned.

[Additional comments from the same person:]

Thank you for your timely and thoughtful response. I agree with your landlord model.

BUT... If I own land, I must detect that someone is living there in breach of contract, or whatever. I then call enforcement. I do not expect the police, courts or neighbors to monitor the contracts held (or not held) by people on my property.

Who will determine whether people are residing in Friday Harbor Bay without permission or outside of DNR compliance?

Which authority will be called to perform the action necessary in the case of non-compliance?

How are these folks funded?

Until it is decided who will perform the responsible land leaser tasks of determining compliance and directing action in the case of non-compliance, I think it is a waste of tax dollars to make more rules.

In fact, you may decide that the agencies (counties, ports, ??) that monitor behavior and call in enforcement can also have some rules making authority. I hear rumors of port authority being extended or counties becoming involved. Perhaps DNR rules should be geared more to ensuring that local authorities are managing to objectives with which the DNR agrees. My point is that today you may not know your audience - boaters? port authority rules makers? county rules makers? The rules could be very different for these different audiences, as you may need to communicate objectives to ports, but not to boaters.

Finally, once again, the problem in San Juan County isn't lack of rules. It is the jumble of jurisdictions and lack of funding that leads to no possibility of enforcement of rules.

If this is a trivial problem, then lets fix it at once. If it is hard, then everything else is moot anyway, so please, stop wasting money.

You have my very sincere thanks for listening

[Additional comments from the same person:]

E-mail #25

My Friday Harbor home is on the water on the east end of Friday Harbor Bay. There are many people living outside marinas on this bay, some permanently.

The problem here is not a problem of rules. It is a problem of inspection and enforcement.

For example, "WAC 332-30-139: Marinas and moorages" says that sewage disposal equipment is required. Our bay has craft that have no sewage disposal equipment. The local sheriff and other officials know who these people are, but he does not have the funding or jurisdiction to inspect and enforce rules on DNR waters. The DNR won't take my call either, even though it is YOUR RULE that is being broken.

So, who is going to monitor compliance? Who is going to call enforcement? Who is going to provide the enforcement?

And, if these rules only apply to people on licensed or leased moorages, what rules, monitoring and enforcement apply to the majority of live aboard residents of DNR waters that have no DNR license, permit, lease, or whatever? These are the people who generate the vast majority of the problems that exist with live aboard residents of this county.

Until those questions are answered, it is a waste of tax payer money to create more law. The problems in our bays occur with people who have unpowered, incompetent craft and who drop unapproved ground tackle wherever they choose on DNR waters.

Today, the problem is that we have a tangle of overlapping jurisdictions and a lack of funding that mean most laws in existence can never be enforced. Until that is fixed, creating new rules is a waste of tax payer dollars and should be stopped.

Also, please remember that there are 2 million visitors (like me) per year to San Juan County, and the major attraction here is the water. The fact that there are only 14,000 residents of San Juan County is not a reason to ignore this location as politically irrelevant.

Thank you for listening.

E-mail #26

I have been unable to attend any of the public hearings DNR has held with regards to uses of State-Owned aquatic lands. I hope you will accept these comments via e-mail.

While there are always exceptions, I can think of no other group of people more concerned about the quality of the waterways and the water itself than those of us who live on out boats. For many of us living aboard has been a lifelong dream, we are not refugees who can not afford any other living arrangements. As liveaboards we are very concerned with the rulemaking and planning currently under way. I will keep my comments as brief as possible by simply listing our requests/concerns with little or not additional comment. The "bottom line" as it were.

1. DNR should insure that those of us who live aboard our vessels, whether over public land or not, adhere to "best practices" with regard to how we treat the environment. There are already laws on the books regarding the discharge of sewage and other foul chemicals into the water and we completely agree with enforcement of these laws. We do not believe however that they should be extended to include "gray water" any more the runoff from city street or residential lawns.
2. We believe that the DNR should not at the state level, restrict who or how many liveaboards may live in a given area. That should be left up to local jurisdictions and marina operators some of whom will be leasing these state lands from DNR.
3. Most definitely, living aboard one's boat must be considered a, "water dependent use" and not a residential use. Liveaboards are mostly there for the mobility afforded by the lifestyle. This is a much different use then a condo or a houseboat that never moves. Our boats ply the waters of our state and the world and most of us could not engage in this lifestyle if we could not live on our boats. May, like ourselves, sold our house in the suburbs to afford this lifestyle.
4. Liveaboards should be permitted to sublease space in marinas that are leasing from DNR. Liveaboards are an asset to most marinas improving safety, security and water quality. Believe me if I found one of my neighbors discharging sewage into the water I would not hesitate to report that activity.
5. I believe that a "vessel" should be defined to include either a valid Washington registration or Coast Guard documentation.

Thank you for allowing us to submit our comments.

E-mail #27

I would like to state that I believe:

- 1) living aboard a vessel to be a water dependent use.
- 2 DNR should not attempt to determine what constitutes a vessel but abide by Coast Guard and State licensing criteria.
- 3) regulation of the number of liveaboards should be left to the discretion of individual marinas. The availability of parking and of shoreside facilities usually dictates how many liveaboards a marina will allow.
- 4) liveaboards, along with all boaters are governed by existing environmental laws and DNR does not need to further regulate. If existing laws are being violated, they need to be enforced...rather than new laws added.

In summary I believe that it is DNR's responsibility for determining if State lands controlled by it should be leased to adjacent marinas but that once leased, the governance of the vessels in the marina should be left to existing environmental and city laws and to the marina operators.

E-mail #28

My wife and I just received a copy of a form circulating for comments regarding our opinion on residential use of State-owned aquatic lands. Since we live on Eagle Harbor, Bainbridge Island this is a subject of much personal interest. Our home is in a condominium complex, [condominium]. This complex is adjacent to an "aquatic conservancy" located on the head waters of Eagle Harbor. A few years ago we underwent an expensive ([condominium] expense) restoration of part of our shoreline. This was done with technical assistance from the State and

has since proven to be of benefit as evidenced by the apparent increase in the number of small fish along the shoreline which have attracted several blue herons and osprey.

We are deeply concerned at the intrusion of the live-aboards just outside of the aquatic conservancy. While we strongly endorse the intended controls that will hopefully be imposed by the City (limitations on number and size of boats, sanitation requirements, mooring facilities, etc) we seriously doubt this will be satisfactorily enforced and would greatly prefer the eventual (sooner the better) elimination of all live-aboards from these waters, as well as any other State owned aquatic lands.

You might find it of interest to note that we are currently engaged in a legal appeal, jointly with the City of Bainbridge, against a private developer ([person]), who has proposed to rebuild a fire destroyed dock for commercial purposes that would have offices over water on Eagle Harbor (Previously proposed as a "Cultural Center" intended for group entertainment purposes). This location is in a residentially zoned area directly adjacent to the boundary of the aquatic conservancy. In the event the appellate court decides that the [person] proposal is a "legal non-conforming use", then we will pursue the matter further before the State Shoreline Review Board.

This is not a matter of an isolated resident's passion. There is wide-spread concern in the Bainbridge community that feels these problems should be reined in by the State!

E-mail #29

I have been a "Liveaboard Boater" since 1980, in the same boat, in the same marina,(except for a brief time when the marina was partially destroyed by a storm, which removed my finger pier and me from the premises).

I am part of a "community" (local) which is part of a lifestyle (general) that has been a part of the waterfront for as long as there has been a waterfront. Witness the "Foss Family" who first "lived aboard" in Tacoma some 100 years ago. Witness the river front along the Mississippi River, perhaps as much as 200 years ago. And many more.

We are not "Johnny-come-latelys".

We live aboard our vessels for a variety of reasons.

I live here because I like the feeling of not being tied down because of land bound possessions. I can cast off my lines and take my "Home" (and it really is my "HOME") to a new and interesting place when I feel like it.

The act of living aboard my vessel is indeed a "water-dependant use".

Sure, I could live somewhere else . . .but not on my boat. If we are to be displaced from our "Homes" by a trick of words, then why not displace everyone who lives in a "Home" and say that they must live in other surroundings because the way they live does not fit the description of the local area.

Living aboard is, firstly, a water-dependant use and only incidentally a residential use. We live on the water simply because we like the water. Just like some folks like the mountains or some like the desert or some like the "Condo life" in the middle of downtown Seattle. (Or wherever.)

Our lifestyle IS a water-dependant use.

As far as liveaboard boaters not being allowed to moor over state-owned "aquatic lands", I fail to see the difference (from the waters' point of view) between a boat with no one aboard and a boat with someone aboard. It is still a boat and occupies the same amount of water.

As long as the marina operator is in compliance with the rules of the original lease agreement, what difference does it make if the boats in the marina are occupied or not?

If the question is "are liveaboards depriving someone else of the use of public access, the answer is no. Anyone can rent or lease space in a marina (subject to certain rules, or course, which apply to ALL applicants). Again, a boat occupies the same amount of space whether occupied or not. And un-occupied boats are definitely allowed, so why not ones with people on them? Because it is a residence (read that "HOME") does not restrict anyone from anything.

As far as the DNR dictating the number of "liveaboards" that may occupy a certain area, My thought is that that should be at the discretion of the marina operator. He/she is in the best position to know what works (or doesn't) for the particular area.

In the matter of defining a "vessel", Webster does it nicely as " a craft for travelling on water; a ship or boat, especially one larger than a rowboat." I would think, also, that a vessel could be defined as a craft that complies with state registration rules or is a federally "documented" vessel. I do not feel the State Department of Natural Resources should involve itself in the matter of creating a new definition. Vessels are adequately defined by the U.S. Coast Guard.

I fervently hope that the governments need for more money will not be the key to lock the doors of my home to me.

If you got this far . . . thank you very much for listening. I hope my comments make some sense.

Thanks again.

E-mail #30

After several years of extensive use of my vessel and spending little time at my home, I decided to have only one home which would be my vessel.

The difference between living on my vessel over long weekends and vacations compared with living on it fulltime makes no distinction what-so-ever regarding the management of best practices of state owned aquatic lands and all state waters.

The stewardship of said waters is the cornerstone of the most responsible behavior. The use of "residential use" in the place of "water dependant use" as a DNR definition would evade completely this point on responsible behavior regarding water dependant usage.

Vessels which maintain Washington state registration or which are documented with the U.S. Coast Guard should be recognized by the DNR as being safe and sound for normal operation without the need for re-defining what a vessel is.

E-mail #31

Please accept this comment in favor of continued "liveaboard" use of DNR aquatic lands.

I have been a nearly continuous moorage customer at various public and private marinas in NW Washington for over 30 years, living aboard for the last 2 years. It has been my experience that liveaboards are beneficial to the safety and security of marina operations, are a positive force in sound environmental practice, both personally and as a resource to their fellow boaters. Most marinas limit liveaboards to a small percentage of their total slips and charge extra fees for disproportionate use of garbage, water, sewage, parking, etc.

The occasional dramatic characterization of liveaboards as irresponsible misfits who are not paying their way and befouling the public waterways would not be substantiated by an accurate census. The average middle income professional who lives aboard his boat responsibly (the vast majority) is dull material for the 5:00 news.

I urge the DNR to take a balanced approach to this issue and act only in clear cases of abuse or misuse. Perhaps confining liveabords to 10-15% of total slips over DNR lands, requiring marina operators to meet minimum standards for sewage, garbage disposal, etc. for their liveaboards populations, etc. would be more equitable while still protecting the public interest. Perhaps better enforcement against unpaid use of DNR aquatic lands (vessels anchored out on a long term basis), especially where evidence of adequate access to garbage and sanitation facilities is not evident could be considered.

E-mail #32

We support the right for a citizen to make his home on his boat, in a marina that is on public land, but for which the public benefits from the income generated from the lease of that land. According to the Seattle PI (April 15, 2000) the DNR receives \$5.2 million per year from these leases.

When the public land is leased to the marina it no longer is open to the public. Whether or not boatowners reside on their boats, these marinas are gated and locked.

A citizen who owns a boat should be free to use that boat at his pleasure, whether it is every day or only a few weekends a year.

All boat owners should strictly obey sanitation and safety laws. We believe that liveaboards follow these rules the most religiously as they are on the water every day.

Liveaboards also provide an irreplaceable line of defense for marinas against fires, storms, vandalism and theft.

We support the liveaboards in Washington State's marinas.

E-mail #33

The following are my comments about the liveaboard controversy:

1. Powerboats, sailboats, and housebarges are "water-dependent" because they cannot be located anywhere else other than in the water. It should continue to be legal for powerboats, sailboats, and housebarges to occupy existing marina slips.
2. It is not logical that a water dependent powerboat, sailboat, or housebarge suddenly be deemed non-water dependent because it is occupied on a full-time basis.
3. It is not appropriate for DNR to determine, restrict, or police whether powerboats, sailboats, or housebarges are lived on by their owners. The powerboat, sailboat or housebarge will remain in the slip regardless of liveaboard status and so this is irrelevant.
4. Powerboats, sailboats, and housebarge owners should be required to use "Best Management Practices" when utilizing their property both recreationally and as liveaboards.
5. By outlawing liveaboards, DNR will be restricting the pleasure of boating to only those who can afford both a home on land and a boat. This is not an appropriate application of public policy.

E-mail #34

The purpose of this letter is to offer the organizational perspective of Citizens for a Healthy Bay regarding live aboards over state owned aquatic lands.

Citizens for a Healthy Bay (CHB), a non-profit organization representing nearly 1,000 citizens of the greater Tacoma area, has worked constructively over the past 10 years to cleanup, restore and protect Commencement Bay. As Tacoma's premier organization working to achieve fishable, swimmable waters within Commencement Bay, CHB has established a successful record in working with the local boating and live aboard community and is familiar with its unique perspective and needs. We recognize that many live aboards have a record of good stewardship. In some ways, they can serve as a type of "neighborhood watch" that deters the inappropriate conduct that can occur when no one is looking. As such, we are sensitive to what to some may seem to be the opposing interests of sustaining the health and viability of the nearshore aquatic ecosystem and our region's live aboard communities.

As a steward for publicly owned aquatic lands, DNR's primary charge is to ensure that these resources are protected and maintained in accordance with all state and federal laws and rules. Therefore, DNR should assure that appropriate environmental regulations are complied with at all marina facilities, regardless of whether they permit live aboards or not.

In general, all vessels, including those used for living aboard, need to be sound and offer no impediment to navigation or public health and safety. Marinas that allow for live-aboards should have adequate and fully operational on-site facilities to support this use. All sites, whether they allow live aboards not, should follow best management practices (BMPs) designed to prevent discharges, protect public resources and ensure the safety of all vessels and owners.

Houseboats, floating homes and/or barges that are not moored in marinas require special attention, since they do not have direct access to marina facilities. Local zoning ordinances, building codes and shoreline management plans should also be taken into account. DNR may find it prudent to develop specific requirements for non-mobile vessels not moored in marinas but located over public lands, in order to assure that they are not a source of prohibited discharges and do not compromise the environment. Specific enforcement strategies should be developed for such vessels.

As we have already learned, the waters of the state are in jeopardy of literally being “loved to death” by all the demands that have been placed on them. In developing, implementing and enforcing any rules, DNR’s overriding priority must be to protect and maintain the health of aquatic ecosystem and preservation of public resources.

E-mail #35

Regarding the residential uses of state owned aquatic lands, I believe that it should be allowed if there is a means for waste disposal and the boat is moored in a marina.

E-mail #36

I would like to see the DNR recognize the futility of trying to regulate what people do on their boats. The moorage of boats is a water dependent use and should remain that way. Because some boat owners live full time or part time on board they should not be treated any different than someone who doesn't ever use their boat. Perhaps a lease rate that reflects a percentage of the rent received by the landlord returns to the DNR would be an equitable solution. While most liveaboards pay an additional fee of some sort usually justified by a supposed extra use of the facilities, I think it is really just based on added demand with a shortage of available spaces. With a percentage return to the DNR you could actually get more of a return on the leases where liveaboard slips were involved.

I also think that some provision needs to be done for anchor outs who remain in a single anchorage for more than a month. They should be paying something to the state for more than recreational use of state owned lands. How to draft such a rule is difficult and how to enforce it worse.

I also agree that the house barge issue needs to be addressed. I don't think they are boats, even if they do meet some kind of coast guard requirements and get some license from the state. Their primary design and use is as a house and secondarily as a boat. That is unlike more normal vessels that are designed as a boat first and used a home secondarily. There will always be rule tweekers, benders and breakers. It is up to us to adapt our rules to changing situations.

Thank you for seeking input from all of us involved. It would have been nice to have a meeting in Seattle where a majority of the stakeholders affected by this rulemaking reside.

E-mail #37

As a live aboard citizen for two years and a boat owner for thirty years, I find that the majority of people who live aboard their boats at marinas are employed, middle class citizens (moorage is

somewhat pricey) who are active in their communities and who take pride in caring for the environment. One of the reasons most of us live aboard is that we enjoy the close connection with nature that we have living surrounded by water. We respect the water and want to keep it healthy for ourselves and for following generations.

My neighbors and I comply with the pump-out regulations (and are relieved that facilities actually exist and are maintained in Washington unlike in British Columbia and some states on the east coast). I think that we add value to our communities both in terms of life-style and the safety of the marinas. For the most part, we are NOT the colorful but irresponsible people that inhabit movies and novels.

This is a complex issue and I am glad that people are monitoring it. I would like to see live-aboards be able to continue to contribute in a positive way to the marine environment.

E-mail #38

I have been involved as a citizen in many shoreline issues, including being a member of a Citizens Advisory Committee given the responsibility to write the City of Bainbridge Island's first Shorelines Master Plan, which created the aquatic conservancy designation; and a Committee which established the City of Bainbridge Island's Harbor Commission. Translated this means I have listened to a decade of pros and cons on residential uses of state-owned aquatic lands. Also my recreation is rowing, and I get out a few times a week during the nice weather like now, and a little less in the winter. Hence this issue is about my neighborhood - not just one of deliberating at committee tables.

From this experience I have come to the conclusion that, at least for Bainbridge Island, proper management, regulation and enforcement are necessary for the safety and health of our residents - both human and animal. The regulation which we ended up on Bainbridge Island with liveaboards - both at docks and anchored out- is that they must be situated in Eagle Harbor. Both those at docks and anchored out must have proper sewage holding tanks or sewer connections, and be limited in total number. They must also occupy certain areas of the harbor. As you might know, Bainbridge Island is interested in managing that area of the bottom owned by DNR. We are fortunate to have a harbor master who is in charge of management and enforcing regulations, and she has already evicted a number of dangerous derelict boats.

There are, of course, other residential uses of State Owned Lands. Some uses are, or are trying to be, non-conforming, such as the legal attempt being made to rebuild the old Strawberry Plant in Eagle Harbor. In addition many docks are now being built, most of which extend into State Shorelines of Statewide Significance. As I read our shoreline rules, which are patterned after the State's, the private docks do not meet the necessary criteria. I actually find these private docks, which are hardly used, on balance more of a problem for my rowing and aesthetics than anchored out liveaboards.

In summary, I can recommend the direction which Bainbridge Island is following for liveaboards - both at marinas and anchored out. And I hope you consider the problem created by these new long docks for private residents, especially those now being built outside harbors. Besides

bringing pollution from boats which are moored there, they block views of neighbors and the paths of those of use who row or paddle along our beautiful shorelines

Thank you for considering my own views above.

E-mail #39

Thank you for sending me a copy of the information handed out at the public workshop. As the owner of a home on Eagle Harbor and President of the [organization], I would like to comment on the two questions posed in the workshop.

This phrase from our purpose statement summarizes the key points I would make:

"Preservation and protection of the Island's natural resources and wildlife for the benefit of the community."

I am not opposed to residential use of the state-owned aquatic lands. However, these must be properly controlled to prevent damage to the harbor. Specifically, there should be stringent limits on discharge of wastes, with required pumpout access. The harbor master must be given authority to police and enforce this requirement. This would severely restrict the current practice of permanent "Anchor Out" residents using the harbor with impunity.

Careful attention should be given to applications for commercial shoreline development. No "over water" structures should be permitted.

E-mail #40

Our Grays Harbor Audubon Chapter doesn't have a problem with the concept of the state renting or leasing state lands including aquatic lands, but the value citizens gets in return must be full and fair, and the state must ensure that the water quality and wildlife habitat is not degraded by this usage. In too many areas of this state people abuse state lands with the attitude it belongs to them, and public agencies responsible to do properly manage these resources turn a blind eye. In the North River area of the Willapa bay house boats have been moored for many years and no one is checking to ensure these floating homes properly dispose of waste. Concerning the overall issue: What schedule does DNR follow to ensure each residential use of state-owned aquatic lands is properly protecting water quality and wildlife resources? What resources does DNR have to check each residential use? Without proper management of state resources, without accountability by public agencies both local, state and federal, state resources are being stolen, abused and damaged, and our most precious natural resources are being devalued for individual and corporate profit. That isn't acceptable, and this must be stopped.